IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) 13027 OF 2006
IN
WRIT PETITION NO.1318 OF 2006

Smt. Sushila M. Kedia ..Applicant.
Vs.
Kishan Kumar Kedia ..Respondent.

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Mr. S.A. Sawant for the Applicant.
Mr. H.R. Sharma for the Respondent.

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CORAM: DR. D.Y. CHANDRACHUD, J.
27th June, 2006.

P.C. :

1. This Civil Application has been taken out for recalling the order dated 4th April, 2006 passed by a learned Single Judge of this Court (P.V. Kakade, J.) in Writ Petition 1318 of 2006. Since the learned Single Judge who passed the order dated 4th April, 2006 is now sitting at the Nagpur Bench, the directions have been issued by the Hon'ble the Chief Justice that matters involving the review of the orders of the Learned Single Judge may be placed before this Bench which is the regular Bench assigned with Rent Act matters.

2. On 4th April, 2006 the Petition was allowed at the stage

of admission and the order of the Trial Court dated 27th February, 2006 declining to allow production of documents was set aside. Consequential directions have been issued.

3. The grievance of the Applicant is that though the advocate for the Petitioner had served private notice upon the Applicant, the Court had not issued notice. On 4th April, 2006 rule was made returnable forthwith and the Petition was allowed. Having heard the learned counsel appearing for the parties, in my view, there is merit in the contention urged on behalf of the Applicant. It is evident that no notice was issued to the Applicant by this Court when the Petition was allowed. If the Petition were to be disposed of at the stage of admission a notice to that effect was required to be issued to the other side. That has not been done through inadvertence. In the circumstances, the Civil Application has to be allowed and is accordingly allowed. The Civil Application is made absolute in terms of prayer clause (a). The order of this Court dated 4th April, 2006 is recalled. The Petition is restored to file.

The registry is directed to place the Petition for admission on 3rd July, 2006.